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30 June 2017

VIA E-MAIL (FOIL@DEP.NYC.GOV)

New York City Department of Environmental Protection,
59-17 Junction Blvd.,
Flushing, NY 11373.

Attention : Deborah S. Fremder, Records Access Officer

Dear Ms. Fremder :

Re : Freedom of Information Law (« FOIL ») Requests
Log Numbers : 157894 and 158507

In response to your letter, dated 21 June 2017, please find my response below regarding each corresponding records category in my FOIL Request :

1/. It is difficult to believe that DEP would not have records about service lines being replaced in the district that is covered by the FOIL Request. Not only does the DEP Web site show that DEP recommends a service for home owners to use when it comes to the replacement of water (and sewer) service lines, but DEP has also admitted on its Web site that it knows the metal composition of some service lines. *See Exs. A, B.* What is more, the company which DEP recommends to home owners to provide service line replacements is described as DEP's partner. How can DEP admit on its Web site that it knows the metal composition of some service lines, but, in processing this FOIL Request, DEP now claims that it has no records of service line replacement ? Furthermore, the Lead and Copper Rule make DEP responsible for water quality at the tap, where water samples must be taken. That means that, even

though home owners may be responsible for replacing service lines to ensure/improve the quality of drinking water that is DEP's responsibility, DEP must be made aware of the need for the replacement of some service lines to ensure/improve the quality of drinking water at the tap. If any service lines had to be replaced in order for DEP to improve the water quality at the tap, DEP would have records of these service line replacements in order to achieve its compliance with the Lead and Copper Rule. Therefore, DEP must provide records in its possession of service line replacements for the district covered by the FOIL Request. To be certain, the FOIL Requests asked for records of a partial or full replacement of a service line, and there was no qualification in the FOIL Request for the reason for the partial or full replacement. Therefore, all records for service line replacement in the district that is covered by the FOIL Request must be produced.

2/. The FOIL Request seeks records of samples for 2014-2016. These were samples taken for regulatory purposes. As such, these records must exist. DEP must provide all of the requested records.

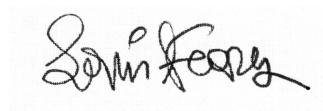
The FOIL Request was already modified at DEP's request to "narrow the scope" of the FOIL Request, as was noted in one of DEP's prior letters. None of the issues raised in your letter of 21 June 2017 were raised in the prior letters, each dated 21 February 2017 and 06 April 2017. There is no more need to narrow the FOIL Request. As previously requested, please send records that respond to #2/. above as soon as you have gathered them, without waiting to gather the records in response to #1/. above.

Please furnish all records in .PDF format via e-mail to :

louis.flores@progressqueens.com

Thank you kindly.

Sincerely,

A handwritten signature in black ink, appearing to read "Louis Flores", is centered within a light gray rectangular box.

Louis Flores

(Attachments)

NYC

Environmental Protection

NEWSLETTER SIGN-UP

PRINTER FRIENDLY

Español

TRANSLATE THIS PAGE

TEXT SIZE: A A A

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Customer Services

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eBilling

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Customer Assistance

Service Line Protection Program

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Property Managers & Trade Professionals

Water Utilities

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GO

Water and Sewer Service Line Protection Program in Partnership with American Water Resources (AWR)

Sign up today!

DEP is pleased to announce that we have partnered with American Water Resources (AWR) to offer a Water and Sewer Service Line Protection Program to our customers. This voluntary program is designed to protect New York City homeowners from the unexpected costs of service line repairs.

Most homeowners are not aware that they are responsible for all of the costs associated with repairing damaged water or sewer service lines that run from their building's exterior to the municipal service lines in the street. These repairs are not covered by most homeowners insurance policies and can cost thousands of dollars.

AWR has been selected as the exclusive provider of the Water and Sewer Service Line Protection Programs for DEP customers. As a homeowner and DEP customer, you can enroll in the protection programs, and AWR will take the responsibility of paying for service line repairs off your shoulders.

Starting July 1, 2016 rates of \$4.49 per month for water line protection and \$8.47 per month for sewer line protection will be offered until June 30, 2017. The New York City Water Board will adopt the annual rates for the Programs along with regular water and sewer service charges. These charges will be included in your DEP water and sewer bill and must be paid to remain eligible.

For more information about the Water and Sewer Service Line Protection Program, call AWR toll-free at (888) 300-3570 or [click here](#).

Frequently Asked Questions

Eligible Properties*

Residential properties or Mixed-use properties With Single or multi-family Dwellings	<i>That are:</i> <ul style="list-style-type: none">Metered with wireless meter reading device installedBilled on flat-rate or metered chargesCurrent on DEP charges or payment agreementEquipped with a single service line that is 2" or less in diameter
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Call AWR at (888) 300-3570 to confirm eligibility

*Properties that are not residential, are not metered, have multiple service lines, are not equipped with a wireless meter reading device, are more than \$500 and 180 days delinquent on charges, are not up-to-date in an existing payment agreement, are billed on a frontage fire line plan, or are served by a meter pipe of greater than 2" are not eligible.

Customer Assistance

[Contact Customer Service](#)
[NYC Lien Sale & Payment Agreements](#)
[Multi-Family Conservation Program](#)
[Dispute Resolution](#)
[Learn About AMR](#)
[Dispose of Grease & Oil Properly](#)
[For Businesses](#)
[More Services...](#)

Reservoir Levels

Current: 97.7%
Normal: 94.5%

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Exhibit A

http://www.nyc.gov/html/dep/html/service_line_protection/index.shtml

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Important Information About Lead in Your Drinking Water

Lead has been detected by the New York City Department of Environmental Protection at some homes with lead service lines (homes built before 1961 may have lead service lines), or internal fixtures and plumbing that contain lead, or that have internal plumbing joined by lead solder (plumbing installed before 1987 may contain lead solder).

Sources of Lead

Lead is a common metal found in the environment and has been used in paint, plumbing pipes and faucets and other products. Lead can be found in household dust, soil and some imported consumer products like clay pottery, cosmetics, food and toys. Lead seldom occurs naturally in rivers and lakes; in fact, the water from New York City's upstate reservoirs and water distribution system is virtually lead-free.

Lead primarily enters drinking water because of corrosion of lead-containing plumbing, including pipes that connect household plumbing to the city's water mains, solder on copper pipes, and faucets. Although regulations have been put in place to reduce the lead in plumbing, your residence may still contain plumbing and fixtures with lead content if they were installed before these rules came into effect.

When water stands for several hours or more in lead service lines or plumbing systems containing lead, some lead may dissolve into the water. In such systems, this means the water first drawn from the tap in the morning, or later in the afternoon after returning from work or school, may contain high levels of lead. Even new faucets, fittings, and valves, including those advertised as "lead-free," may contribute lead to drinking water. Under New York State law plumbing fixtures, such as faucets, with up to 8 percent lead can be labeled as "lead-free." Consumers should be aware of this when choosing fixtures and take appropriate precautions.

How is the City Reducing the Risks of Lead in Water?

DEP maintains an active program to reduce the quantity of lead that dissolves into water, especially in private homes with lead or lead soldering in pipes. DEP carefully monitors and adjusts pH levels of water to a specific range that reduces the corrosive nature of the water, and we add phosphoric acid—a common food preservative—to create a protective film on pipes that reduces the release of metals, such as lead, from household plumbing.

DEP also performs rigorous and comprehensive monitoring every day, to ensure that we continue to deliver the healthy, great tasting water that New Yorkers expect. DEP monitors its drinking water for approximately 250 contaminants, approximately 100 of which are not currently required by regulators, and conducts more than 500,000 water quality tests each year.

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